

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLIA
DOCKET NO. 2018-364

Stephen and Beverly Noller and)	
Michael and Nancy Halwig,)	
Complainants,)	
)	
v.)	COMPLAINANTS, STEPHEN AND BEVERLY
)	NOLLER and MICHAEL AND NANCY
)	HALWIG'S FIRST SET OF DISCOVERY
)	REQUESTS TO DAUFUSKIE
)	ISLAND UTILITY COMPANY, INC.
Daufuskie Island Utility Co., Inc.,)	
Respondent.)	
)	

**TO: THOMAS P. GRESSETTE, JR. AND G. TRENHOLM WALKER
COUNSEL FOR DAUFUSKIE ISLAND UTILITY CO., INC.**

Stephen and Beverly Noller and Michael and Nancy Halwig, ("Complainants") hereby request Daufuskie Island Utility Company ("DIUC") respond to the following First Set of Discovery Requests in Accordance with S.C. Public Service Commission Rules 103-833 and 103-835. Copies of these discovery requests are also being filed with the Chief Clerk.

RESPONSES ARE REQUIRED NO LATER THAN 20 DAYS FOLLOWING THE DATE OF SERVICE.

Each Interrogatory shall be answered separately and fully in writing. The answers are to be signed by the individual making them and subscribed by an appropriate verification. Objections are to be signed by the authorized representative or individual making them.

If any document is withheld under the claim of privilege, furnish a list identifying each document for which the privilege is claimed, together with the following information: date, sender, recipient, subject matter of the document, the basis on which privilege is claimed, and the request(s) to which the document responds.

All documents produced in response to these requests, whether previously stored electronically or not, should be provided in electronic format, specifically as optical character recognized (OCR'D) multi-page portable format (PDF) files.

DEFINITIONS

1. As used herein, "DIUC" shall mean Daufuskie Island Utility Company, Inc.
2. As used herein, "Customers" shall mean the Complainants in this matter, collectively and individually, Stephen and Beverly Noller and Michael and Nancy Halwig.
3. As used herein, Melrose Property Owner's Association, Inc. ("MPOA") shall mean MPOA, with its employees, agents, consultants, experts, parents, subsidiaries, affiliates, and partner companies and other operational or functional units and all officers, directors, employees, agents and representatives of these entities. It also includes all other persons acting on behalf of MPOA.
4. As used here, "This proceeding" and "This Matter" shall mean the proceeding before the South Carolina Public Service Commission Assigned Docket No. 2018-364.
5. Please construe "and" as well as "or" both disjunctively or conjunctively as may be necessary to bring within the scope of these interrogatories any information which might otherwise be construed outside their scope.
6. "Document" shall mean any written, printed, typed, recorded, photographic or other graphic matter of any kind or nature, and all mechanical and electrical sound recordings and any transcripts thereof, and computer data files in your possession, custody, and/or control, or known by you to exist; it shall also mean all copies of documents by whatever means made. It includes written correspondence and any correspondence that can be printed from its current medium, whether that is from email, text messaging, and/or any other means of stored or retrievable communication.
7. "Identify" or "Identity" used with reference to an individual means to state his or her full name, present or last known address, present or last known position and business affiliation, and employer, title, and position at the time in question.
8. "Identify" or "Identity" used with reference to a document or writing means to state the date, author, type of document (E.G. letter, memorandum, telegram, chart, note, application, etc.) or other means of identification, and its present location or custodian. If any such document is no longer in your possession or subject to your control, state what disposition was made of it.
9. "You" and "Yours" include the party upon whom this discovery is directed, and any of its members, individually, who have knowledge or control of information requested in the discovery requests.
10. As used herein, "ORS" shall mean the Office of Regulatory Staff.
11. As used herein the "Noller Property" shall mean 36 Driftwood Cottage Lane with all buildings and dwellings thereon located and the "Halwig Property" shall mean 42, 44, and 46

Driftwood Cottage Lane with all buildings and dwellings thereon located. "The Properties" shall mean the Halwig Property and the Noller Property collectively.

INTERROGATORIES

1. Identify and describe the repairs and/or equipment replacements made, including the cost and man hours required, to the water and sewer mains or any other DIUC-operated equipment at Driftwood Cottage Lane on Daufuskie Island after the approximately October 3, 2015 flooding events of Hurricane Joaquin, including specifically after the October 27, 2015 notice from DIUC to the Halwigs that service was going to be interrupted, through January 1, 2019. Include a description of any repairs made to the mains or equipment, if any, before and after the reconstruction of Driftwood Cottage Lane following this 2015 storm until October 8, 2016.
2. Identify the water and sewer mains or other DIUC equipment on or to the north of Driftwood Cottage Lane and between the Halwig residence and the Melrose Golf Clubhouse either using maps, as built surveys, or descriptions in detail as to location and capacity of DIUC facilities and equipment. Include specifically how far apart in feet or yards any such equipment or lines are from the northern end of the mains at Driftwood Cottage lane serving the Halwig and Noller residences.
3. Identify the reasons and basis for DIUC continuing to submit water and sewer bills for lots 42, 44 and 46 Driftwood Cottage Lane and for 36 Driftwood Cottage Lane when there was no connection to water or sewer service between October 8, 2016 and December 24, 2018? Include specifically the amount of the charges for the period September 30, 2018 through January 1, 2019 after service was restored as of December 24, 2018.
4. Identify the laws, regulations, or other authority on which DIUC relies that requires its existing customers, or which allows DIUC to require its existing customers (1) to identify, acquire and prepare the legal instrument for an easement for DIUC on property belonging to a third party, and (2) to install water and sewer mains or to pay for the cost of installing such mains or any facilities to serve a portion of a community where DIUC was previously providing services prior to naturally caused damage to its facilities.
5. Was DIUC told or otherwise informed by the Office of Regulatory Staff or the Public Service Commission that it had no obligation to restore service at any time or ever to the Halwig and Noller residences after the damage to DIUC facilities at Driftwood Cottage Lane from Hurricane Matthew in October of 2016?

REQUESTS FOR PRODUCTION

1. Please produce all documents identified in response to the previous interrogatories.

2. Please produce all documents which are intended to be offered in evidence in this proceeding.
3. Please produce all documents evidencing or relating to any communications of DIUC with the Melrose Resort concerning the installation of utility infrastructure on Resort property in the vicinity of Driftwood Cottage lane from October 8, 2016 through January 30, 2018.

REQUESTS FOR ADMISSION

1. Admit that the only reason that the Halwigs and Nollers request to test their water and sewer systems within their homes was denied after the completion of the installation of the new mains and connection of service lines was the unpaid demand by DIUC to these Customers that they pay the Federal tax alleged to be due on the cost of installation that they had performed and the DIUC's attorneys' fees. If there is another reason please provide it.
2. Admit that DIUC has not expressed any concern to the Halwigs or Nollers about the potential for erosion to reach or affect the newly installed mains that connect Martinangel Lane with Driftwood Cottage Lane.
3. Admit that the threat of hurricane damage, erosion or other calamity to a customer's residence is not a basis for denying water and sewer service or providing water and sewer service under any current regulation or policy.
4. Admit that the current Commission approved rate structure for DIUC does not prevent it from acquiring easements and installing mains where necessary to service existing customers, including the mains that are the subject of the Complaint.
5. Admit that Complainants entered into a contract for and initiated the installation of the replacement mains on or before November 21, 2017 without being offered a contract or agreement regarding approval and acceptance of the installation by DIUC.
6. Admit that no form of agreement for installations of the replacement mains that are the subject of the Complaint was provided by DIUC to Complainants before January 30, 2018.

7. Admit that the Complainants lost the use of their homes on Driftwood Cottage Lane due to the lack of water and sewer service from October 8, 2016 through December 24, 2018, including for personal use and for use as rental property.

Respectfully submitted,

/s/ Newman Jackson Smith
Newman Jackson Smith
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January 16, 2019
Charleston, SC

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2018-364

Stephen and Beverly Noller and)	
Michael and Nancy Halwig,)	
Complainants,)	
)	
v.)	CERTIFICATE OF SERVICE
)	(PUBLIC SERVICE COMMISSION)
)	
Daufuskie Island Utility Co., Inc.,)	
Respondent.)	
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I hereby certify that on January 16, 2019, I caused to be served Complainants, Stephen and Beverly Noller and Michael and Nancy Halwig's First Interrogatories and Requests to Admit to Daufuskie Island Utility Company, Inc.

Attn: Clerk's Office
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Columbia, South Carolina 29210

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Jeffrey M. Nelson, Esq.
Office of Regulatory Staff
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January 16, 2019.

/s/ Newman Jackson Smith
Newman Jackson Smith
NELSON MULLINS